



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in the Lok Sabha on 17th February, 2006:—

BILL NO. 147 OF 2005

A Bill to provide for the constitution of a Regulatory Authority for regulation of Pre-Examination Coaching Centres and for matters connected therewith.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Pre-Examination Coaching Centres Regulatory Authority Act, 2005.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'Authority' means Pre-Examination Coaching Centres Regulatory Authority constituted under section 3 of this Act;

(b) 'pre-examination coaching centre' means and includes any institute or establishment where any coaching is imparted for admission into any professional course including medical or engineering education or for appearing in any examination conducted by any Government or private establishment for the purpose of securing employment; and

(c) 'prescribed' means prescribed by rules made under this Act.

Pre-
Examination
Coaching
Centres
Regulatory
Authority.

3. (1) The Central Government shall constitute a Pre-Examination Coaching Centres Regulatory Authority for the purpose of regulating and controlling pre-examination coaching centres, in such manner as may be prescribed.

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Authority.

(3) The headquarter of the Authority shall be situated in New Delhi.

(4) The Authority shall have its offices in every State/Union territory.

Functions of
the Authority.

4. The Authority shall perform the following functions,—

(i) conferring recognition to pre-examination coaching centres imparting coaching for various competitive examinations;

(ii) prescribing fees to be charged from students for pre-examination coaching being imparted at the coaching centres;

(iii) fixing minimum number of classroom lectures for various courses being offered at the coaching centres;

(iv) laying down minimum qualifications for the teachers to be employed in the coaching centres;

(v) prescribing penalties against such coaching centres which are not following the provisions of this Act; and

(vi) any other work relating to regulation of coaching centres as may be assigned to it by the Central Government from time to time.

Power to
make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The number of private institutions conducting pre-examination coaching is increasing at an alarming rate throughout the country. These coaching centres claim to be shaping the future of the youth of this country. Some of these coaching centres make false claims in order to attract maximum number of students and get huge amount from them as fees without providing proper coaching to them, thereby endangering their future. Therefore, there is an urgent need for legislation to regulate the functioning of such coaching centres in the country.

Hence the Bill.

NEW DELHI;
November 16, 2005.

MOHAN SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Pre-Examination Coaching Centres Regulatory Authority. The Bill, therefore, if enacted, is likely to involve expenditure from Consolidated Fund of India. It is estimated that a recurring expenditure of rupees One hundred crore is likely to be involved per annum.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 150 OF 2005

A Bill to provide for the constitution of a Constituent Assembly of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constituent Assembly Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Assembly" means the Constituent Assembly of India called in accordance with the provisions of this Act;

(b) "Committee" means the Drafting Committee;

(c) "Constitution" means the Constitution of India as in force on the date of commencement of this Act; and

(d) "President" means the President of India.

3. (1) The President shall, within six months of the coming into force of this Act, declare by a notification in the Official Gazette that the members of the two Houses of Parliament shall constitute a Constituent Assembly to consider the various provisions of the Constitution and to amend, modify, vary, omit, add or remodel the entire Constitution, if it so decides.

Constitution of
a Constituent
Assembly.

(2) The Speaker of Lok Sabha shall be the *ex-officio* Chairman of the Assembly.

(3) The rules of procedure to regulate the business of the Assembly shall be the existing rules of procedure and conduct of business in Lok Sabha with such modification and alterations as may be made by the Chairman from time to time.

(4) The existing provisions regarding summoning, adjourning and proroguing the House of the People shall apply *mutatis mutandis* to the Assembly.

(5) The Assembly shall meet in the Central Hall of Parliament House, New Delhi.

4. (1) The Chairman shall, as soon as the Assembly is constituted, appoint a Drafting Committee consisting of not less than twenty-five members from amongst the members of the Assembly.

Appointment
of Drafting
Committee.

(2) The convener of the Committee shall be appointed by the Chairman from amongst the members of the Committee.

(3) The Committee shall submit amendments, modifications, variations, omission or addition of various provisions of the Constitution or remodelling of the entire Constitution, if it so decides, to the Assembly.

(4) The Assembly shall express its final opinion in the form of an amendment or in the form of a new Constitution, as the case may be, and submit the same to the President for his approval.

5. The President shall, after according his approval to such an amendment or the new Constitution, as the case may be, promulgate the same by notification in the Official Gazette on a day to be appointed by him.

Promulgation
of revised
Constitution.

6. Notwithstanding anything contained in any law, including the Constitution of India, for the time being in force, such an amendment or on the new Constitution on being promulgated in accordance with section 5 shall be deemed to have been adopted, enacted and given to themselves by the people of India without prejudice to anything done or purported to have been done under that law.

Savings.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India was adopted, enacted and given by the people to themselves in November, 1949 and brought into operation on 26 January, 1950. The Constitution guarantees to secure social, economic and political justice, equality of status and of opportunity to all citizens of India and also assures dignity of the individual and the unity and integrity of the nation. However, the working of the Constitution for more than five decades has revealed that the cherished objectives have not been achieved under the present Constitution. Though more than ninety amendments have been made in the Constitution during the last fifty-five years, yet, the existing framework of the Constitution stands in the way of achieving these cherished objectives. A great deal of change in all the spheres has taken place during the last fifty-five years and the present Constitution is not in a position to meet all these growing challenges. The objectives enshrined in the Constitution have to be achieved at the earliest to achieve the goals set in the economic, political and social fields. Also, time and again, demands have been made by Parliamentarians, legislators, educationists, lawyers, social workers, press and the general public to bring about structural changes in the Constitution. It is, therefore, considered necessary that a Constituent Assembly consisting of the members of both Houses of Parliament be constituted to frame a new Constitution to replace or extensively revise the existing Constitution so that it could be an effective instrument for achieving the cherished objectives of the people of India as enshrined in the preamble of the existing Constitution.

Hence this Bill.

NEW DELHI;
November 23, 2005.

BACHI SINGH RAWAT

BILL NO. 151 OF 2005

A Bill to provide for setting up of a Bank for the purpose of advancing loans to the students for pursuing higher studies.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Education Bank of India Act, 2005.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'Bank' means the Education Bank of India established under section 3;

(b) 'prescribed' means prescribed by rules made under this Act; and

(c) 'student' means a person who is pursuing any course of study, including any professional, vocational or research study, in any college or institution or University.

Setting up of
Education
Bank of
India.

3. (1) The Central Government shall set up a Bank to be known as the "Education Bank of India" with its headquarter at New Delhi and regional offices in every State and Union Territory.

(2) The Central Government shall set up a branch of the Bank in every district of the country.

Board of
Directors.

4. (1) The Bank shall be managed by a Board of Directors consisting of—

- | | |
|---|--------------------|
| (a) Union Human Resource Development Minister | — Chairman |
| (b) Union Finance Minister | — Member |
| (c) Education Minister of each State | — Members |
| (d) Three eminent educationists to be nominated by the Central Government | — Members |
| (e) Chairman-cum-Managing Director of a nationalised Bank to be nominated by the Central Government | — Member |
| (f) Secretary in the Union Ministry of Human Resource Development | — Member Secretary |

(2) The term of office of the members of the Board of Directors appointed under clauses (d) and (e) of sub-section (1) shall be one year.

Meetings of
Board of
Directors.

5. (1) The Board of Directors of the Bank shall meet at such place and at such time as may be determined by the Chairman to frame out policies of the Bank.

(2) The Board of Directors shall meet atleast once in a year.

Functions of
the Bank.

6. The Bank shall advance loans to the students to meet the cost of their education.

Application
for loan.

7. (1) An application for grant of loan shall be made to the concerned branch of the Bank by the student.

(2) An application made under sub-section (1) shall be disposed of within one month from the date of its receipt.

Loans to be
paid to
colleges and
institutions
directly by the
Bank.

8. (1) The loan shall be payable to every eligible student till he completes the course for which the loan was applied for.

(2) The amount of loan shall be equal to the total cost of education which shall include course fees, study materials, hostel fees, if any, and any other related expenditure in connection with the education of the student.

(3) The Bank shall make the payment direct to the college or institution where the student whose loan has been sanctioned is pursuing his studies.

Eligibility for
loan.

9. (1) The following shall be eligible for seeking full amount of loan from the Bank:—

(a) students, whose parents cannot afford the cost of higher education and whose annual income from all sources is less than one lakh rupees; and

(b) meritorious students.

(2) A student, whose parents cannot afford the full cost of his higher education, shall also be eligible to secure a loan from the Bank to the extent of the amount he falls short of.

Terms and
conditions of
sanction and
repayment of
loan.

10. (1) The loan shall be given to every eligible student without any security or guarantee:

Provided that the Bank may demand from the student such details and such documents before sanctioning the loan as may be deemed fit.

(2) The loan shall be recovered with simple interest at the rate of three per cent. per annum.

(3) The terms and conditions of repayment of the loan shall be such as may be prescribed:

Provided that a student shall start repaying the loan two years after he has secured a job in such instalments as may be prescribed.

11. (1) Any student who wishes to take loan from the Bank for research purposes shall apply to the concerned Regional Office of the Bank.

Loan for
research
purposes.

(2) The Regional Office of the Bank may, after necessary enquiry, sanction the loan.

(3) The terms and conditions of sanction and repayment of such loan shall be such as may be prescribed.

12. The Central Government shall appoint such number of officers and staff as may be required for the efficient functioning of the bank.

Officers and
staff.

13. All the branches of the bank shall be under the control and supervision of the concerned Regional Office.

Branches to
function under
the control of
Regional
Office.

14. Any aggrieved student may represent to a Regional Office who shall, after considering all aspects of the case, forward their recommendations to the headquarter of the Bank and the decision of the headquarter shall be final.

Representation
to Regional
Office by
aggrieved
students.

10 of 1949

15. Nothing in the Banking Regulation Act, 1949, shall apply to the Bank established under this Act.

Saving.

16. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Majority of the students in our country are not able to pursue higher education due to poor financial condition of their parents. Although, students are brilliant in their studies and want to pursue higher education, poverty comes in the way of their pursuit.

Professional and Technical Colleges charge exorbitant fees for admission which the students cannot afford.

With a view to encouraging poor students to continue their education, it is proposed to provide loans on easy terms to them which can be repaid by them after they secure jobs.

Although several banks offer loans for continuing education, such schemes are not attractive and beyond the means of majority of the parents. Therefore, it is proposed to set up a Bank exclusively for the purpose of assisting the students by providing them loans for continuing higher education.

Hence this Bill.

NEW DELHI;
November 23, 2005

BACHI SINGH RAWAT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of Education Bank of India. Clause 4 (d) provides for nomination of three prominent educationists to the Board of Directors of the Bank by the Central Government. Clause 12 provides for appointment of necessary number of officers and staff for the Bank.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees fifty crore from the Consolidated Fund of India will be involved.

A non-recurring expenditure to the tune of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 149 OF 2005

A Bill to provide for the establishment of a Council at the Centre and in each State and Union territory for the protection of environment and ecology.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Council for Environment Protection Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “acts harmful to the environment” shall mean and include all acts and things done by individuals, institutes, Government bodies, and others that pollute or are likely to pollute the environment or cause changes in ecology, flora and fauna of a region to an extent that harms mankind or materially changes the existing environment or leads to the extinction of any species of plants or animals; and

(b) "environment" means and includes water, both surface and underground, air, and land including the surface of the earth, subsoil and the forests (the flora and the fauna) and the inter-relationship which exists amongst and between water, air and land, and human beings, other living creatures and plants.

Establishment
of Councils
for
Environment
Protection.

3. (1) The Central Government shall establish a Central Council for Environmental Protection (hereinafter referred to as the Central Council), consisting of five members who are experts in the field of environmental protection, ecology preservation, geology, ornithology, zoology and botany.

(2) The Central Council shall have its office at New Delhi.

(3) The Central Government shall establish a State Council for Environment Protection (hereinafter referred to as the State Council), consisting of three members who are experts in the field of environment or in such field as may be determined by the Central Government in every State and Union territory.

(4) The State Councils shall have their offices at the respective capital of each State and Union territory.

(5) The Councils shall function under the control of Union Ministry of Environment and Forests.

Powers and
functions of
Central
Council.

4. The Central Council shall have the following powers and functions—

(a) to study, enquire and conduct research into problems of environmental protection or preservation of ecology involving subjects under the Central Government or involving more than one State or Union territory;

(b) to enquire into any matter relating to environment or ecology which any State Council deems urgent or extensive enough to necessitate deeper enquiry/study;

(c) to study and enquire into problems of pollution of oceans within our territorial waters;

(d) to recommend to the Central Government or concerned State Government the steps to be taken for the environmental/ecological protection;

(e) to aid and advise the State Councils in matters of research, environment studies and connected matters;

(f) to receive Reports of State Councils and to decide upon further course of action; and

(g) to issue orders of injunction *suo motu* or at the request of any State Council, against any person, institute or Government body in respect of acts deemed to be harmful to the environment or ecology and the order issued shall be final unless an order vacating the injunction is obtained within six months from any High Court having jurisdiction over the subject-matter or area or a major portion thereof.

Powers and
functions of
State
Councils.

5. Every State Council shall have the following powers and functions—

(a) to study, enquire into and do research upon the problems of environment and ecology in the respective State/Union territory;

(b) to study and do research upon causes and effects of natural calamities;

(c) to study and do research into pollution of water, air, land (sand), agriculture, marine and dairy produce or any such matter as is likely to harm human health;

(d) to recommend to the respective Government of the State and Union territory the steps to be taken for environmental protection and preservation of ecology; and

(e) to issue orders of injunction against any person, institute or Government body in respect of acts deemed harmful to the environment or ecology and the order of

injunction issued by such State Council shall take effect immediately and shall become final and binding on the expiry or six months from the date of order unless the person, institute or Government body, against whom the order is passed, obtains an order of a competent Court, not below the rank of District Judge, vacating the injunction within that period:

Provided that the State Council and/or the aggrieved party may file appeal against the order of the District Judge before the High Court.

6. The members of Central and State Councils shall be appointed for a period of five years and on expiry of such period any member thereof may be re-appointed for such further period or periods, not exceeding two years at a time, as the Central Government deems fit. Tenure of Councils.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any enactment other than this Act. Overriding effect of the Act.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Urgent steps to protect environment and maintain ecological balance have become essential in view of increasing environmental pollution.

The Bill seeks to provide for the establishment of Councils at the Centre and in every State and Union territory for study, enquiry, research and making recommendations on matters relating to protection of environment and preservation of ecology.

Hence this Bill.

NEW DELHI;
November 23, 2005.

BACHISINGH RAWAT.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Council for Environment Protection at the Centre and in every State and Union territory. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India.

It will involve a minimum annual expenditure of about rupees fifty lakh by way of salaries, etc. for members of the Councils and other staff.

It will also involve a non-recurring expenditure of rupees ten crore from the Consolidated Fund of India for office infrastructure at the Centre and in every State/Union territory.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 153 OF 2005

A Bill to provide for setting up of a National Commission for ex-defence personnel in the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Ex-Defence Personnel Act, 2005.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "ex-defence personnel" means and includes any person who has worked in Defence Services and retired on completion of his term of service or short service commission and has no other source of income except pension received on account of his service in defence services and also includes families of defence personnel killed in action or died in harness;

(ii) "National Commission" means the National Commission for ex-Defence Personnel set up under section 3 of this Act;

(iii) "prescribed" means prescribed by rules made under this Act; and

(iv) "State Commission" means the State Commission for ex-Defence Personnel set up under section 4 of this Act.

National
Commission for
Ex-Defence
Personnel.

3. (1) The Central Government shall set up a National Commission for Ex-Defence Personnel with its headquarters at New Delhi.

(2) The National Commission shall consist of the following:—

(i) a Chairman who shall be a senior retired officer from defence services not below the rank of a General/Admiral/Air Chief Marshall to be appointed by the Central Government;

(ii) Secretary, Union Ministry of Defence who shall serve as Member-Secretary of the National Commission;

(iii) serving Chiefs of Navy, Air and Army Wings of the Armed Forces who shall be co-opted as members of the National Commission; and

(iv) one representative of ex-defence personnel to be nominated by the Central Government in such manner as may be prescribed.

(3) The terms and conditions of service and salary and allowances of the Chairman and members of the National Commission shall be such as may be prescribed by the Central Government.

(4) The Central Government, shall provide such number of officers and staff as may be required for the efficient functioning of the National Commission.

State
Commission for
Ex-Defence
Personnel.

4. (1) The Central Government shall set up a State Commission for ex-Defence Personnel in every State;

(2) The State Commission shall consist of—

(i) a Chairman to be appointed by the State Government; and

(ii) four other members to be appointed by the State Government in such manner as may be prescribed.

(3) The terms and conditions of service and salary and allowances of the Chairman of the State Commission shall be such as may be prescribed by the State Government.

Functions of
National
Commission.

5. The National Commission for ex-defence personnel shall formulate guidelines regarding:

(i) re-employment of ex-defence personnel in offices and undertakings under the control of the Central Government;

(ii) welfare schemes to be launched for the benefit of ex-defence personnel;

(iii) loan facilities by commercial banks for self-employment of ex-defence personnel;

(iv) housing facilities at concessional rates to ex-defence personnel;

(v) provision of items of daily use at concessional rate to ex-defence personnel;

(vi) insurance scheme for ex-defence personnel; and

(vii) educational facilities for wards of ex-defence personnel.

State
Commission
to implement
welfare schemes
for ex-defence
personnel.

6. The State Commission shall implement the welfare schemes for ex-defence personnel in the State as per the guidelines issued by the National Commission in close cooperation with the Government of the State concerned:

Provided that the welfare schemes for ex-defence personnel may vary from State to State based on the situation prevailing in that State.

STATEMENT OF OBJECTS AND REASONS

Defence personnel have sacrificed their lives, family life and many things for the sake of our country. They defend the borders of the country during the time of external aggression and render their service during internal disturbances and also during natural calamities. Though Government is doing a lot for their welfare, yet it is not sufficient.

After their retirement from the armed forces, these ex-defence personnel have to depend on their meagre pension to support their families. Efforts for their rehabilitation have left a lot to be desired. A coordinated action needs to be taken at the Central and State level which can be done only through creation of a National Commission entrusted with the task of overseeing welfare schemes launched for them.

Therefore, it is proposed to set up a National Commission for ex-Defence Personnel for their welfare.

Hence this Bill.

NEW DELHI;
November 23, 2005

ABDULLAKUTTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a National Commission for Ex-Defence Personnel. Clause 4 provides for setting up of State Commission for Ex-Defence Personnel. Clause 7 of the Bill provides that the Central Government shall provide necessary financial assistance for implementation of the provisions of this Bill. Therefore, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely that a recurring expenditure of about rupees five hundred crore per annum may be involved.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the State Governments to make rules regarding conditions of service, allowances of the members of the State Commission. Clause 8 empowers the Central Government to make rules for carrying out the provisions of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 157 OF 2005

A Bill to regulate the programmes telecast on television channels and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Television Programmes (Regulation) Act, 2005.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "Authority" means the Television Programmes Regulation Authority set up under section 3 of this Act;

(ii) "prescribed" means prescribed by rules made under this Act;

(iii) "programme" means and includes any serial, documentary, opinion poll, short film, commercial advertisement, musical programme including songs and dance sequences, fashion show, talk show or any other programme telecast for public viewing; and

(iv) "television network" means a television channel, whether privately owned or otherwise, including a foreign television channel, whether in partnership with an Indian television channel or otherwise, or owned by a non-resident Indian.

Television
Programme
Regulation
Authority.

3. (1) The Central Government shall set up an Authority to be known as the Television Programmes Regulation Authority.

(2) The Authority shall consist of:—

(a) a Chairman who shall be an eminent personality in the field of entertainment/ media to be appointed by the Central Government; and

(b) two other members to be nominated by the Central Government.

(3) The terms and conditions of service and salary and allowances of the Chairman and members of the Authority shall be such as may be prescribed.

(4) The Authority shall perform such functions as may be assigned to it by the Central Government.

(5) The Central Government shall provide such number of officers and staff as may be required for the efficient functioning of the Authority.

Authority to
set up its
offices in
every State.

4. (1) The Authority shall have its offices in the capital of every State of the country.

(2) Every office of the Authority opened under sub-section (1) shall consist of—

(a) a Chairman to be appointed by the Central Government; and

(b) four other members to be appointed by the Central Government, in such manner as may be prescribed.

(3) The terms and conditions of service and salary and allowances of the Chairman and members shall be such as may be prescribed.

Functions of
Authority.

5. (1) Every television network before telecasting any programme on its network shall forward the same to the office of the Authority nearest to the headquarters of the television network for the purpose of obtaining certificate for public exhibition of the programme.

(2) The television network shall not be required to obtain prior permission from the Authority for telecasting news or any other programme, which has already been allowed for public exhibition under the Cinematograph Act, 1952 or any other law for the time being in force or under the provisions of this Act.

37 of 1952.

(3) The Authority, while certifying every programme, shall ensure that:—

(i) it does not violate any existing law in the country;

(ii) it does not exhibit violent, vulgar or sexually explicit scenes or any scene degrading our culture or posing threat to unity and integrity of the country;

(iii) it does not exhibit nude or semi-nude scenes in the name of fashion show or song dance sequences;

(iv) it does not show programmes creating hatred between different sections of the society on the ground of religion, caste, creed or language;

(v) it does not promote drinking, smoking or using any other narcotic drug;

(vi) it does not defame any person, organisation including a business organisation, Government or a political party;

(vii) it does not telecast mischievous newsitem or give false or inaccurate information which would create confusion among the viewing public;

(viii) it does not offer any unwarranted comment on any matter pending in a Court of Law; and

(ix) it does not offer any comment on the functioning of Parliament or State Legislature or Members thereof or judiciary.

6. The office of the Authority where programmes have been submitted for certification, shall scrutinize the programmes and give a certificate for allowing public exhibition of such programmes on the television channel.

Certificate for public exhibitions.

Explanation.—Certificate from any office of the Authority shall mean permission to telecast the programme throughout the country.

7. The Authority may, on its own or on receipt of a complaint, cause an enquiry into the functioning of a television channel.

Power of the Authority to enquire.

8. (1) If, after enquiry, it is found that the television channel has violated the provisions of any guideline issued by the Authority, the licence of the television channel shall be suspended for a period of one year:

Penalty for violation.

Provided that if any television channel violates the provisions of this Act for the second time, the Authority shall cancel the licence of that channel.

(2) The owner and the in-charge of the programme of the television network shall be punished for violating the provisions of this Act with imprisonment of either description for a term which may extend to five years or with fine which may extend to rupees one lakh or with both.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The number of television channels in the country is increasing rapidly and programmes telecast on these channels run into thousands. Some of the programmes telecast on these channels are such that they cannot be watched along with children. These channels expose the youngsters to violence and vulgarity and leave ill effect on their minds. Even commercial advertisements are not in good taste.

Our culture is being tarnished by these channels. In our country there is a separate regulatory mechanism for films. Television channels air out thousands of serials and other programmes every month but there is no regulatory mechanism for them. Television has become part and parcel of the lives of vast number of families all over the country.

It is accordingly proposed to set up a regulatory mechanism to regulate programmes being telecast on television channels.

Hence this Bill.

NEW DELHI;
November 23, 2005

ABDULLAKUTTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish an Authority to regulate programmes telecast by television channels with its headquarters at New Delhi. Clause 4 provides that an office of the Authority shall be set up in every State capital. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred crore will be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 8 OF 2006

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2006. Short title and commencement.

(2) It shall come into force at once.

2. In the Constitution (Scheduled Castes) Order, 1950, in paragraph 3, the following proviso shall be added at the end, namely:— Amendment of Paragraph 3.

"Provided that for the purposes of this order, a member of the Scheduled Caste who has converted from the Hindu, Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to the Scheduled Caste to which he belonged before such conversion."

STATEMENT OF OBJECTS AND REASONS

Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 stipulates that no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste. At the time the Scheduled Castes (Order), 1950 was brought into operation, it was presumed that caste discrimination is prevalent in the Hindu religion only. Later on, the Sikh and the Buddhist religion were also added in paragraph 3 of the aforesaid Order.

The persons belonging to the Scheduled Castes were afforded with the benefits of the reservation in the legislatures and in jobs under the State with a specific purpose to put an end to caste discrimination and to bring these oppressed persons into the mainstream of the society. However, their lot did not improve much even after they were provided with certain facilities by the State. In their attempt to escape from the scourge of caste system and social oppression, the persons belonging to Scheduled Castes started converting to other faiths in the hope that they will not have to face caste discrimination anymore once they embraced other religion. However, the situation did not improve much even after their conversion to other faiths as these people were not accepted well and continued to be treated as dalits by the people in their new fold. After conversion to new faith these people lost the status of Scheduled Caste in the eyes of law and were deprived of the benefits of reservation provided in jobs under the State. These persons are still victims of the caste discrimination and social oppression even when they have converted to new faith.

Therefore, it is unfair and unjust to ignore the reality and to plead that caste discrimination prevails in Hindu religion only. Realizing and accepting the reality, it is high time to take realistic step by way of amending the Constitution (Scheduled Castes) Order, 1950 in order to extend the benefits of reservations to the persons who originally belong to the Scheduled Caste and have converted to a faith other than the Hindu, the Sikh or the Buddhist religion. It is also equally important to uphold the spirit of secularism and equality engrained in our Constitution.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 24, 2005.

C. K. CHANDRAPPA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for extending the benefits, which at present are being enjoyed by the Scheduled Castes of Hindu, Sikh and Buddhist religions to Scheduled Castes who have converted to other religions. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore is likely to be involved.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

BILL No. 7 OF 2006

A Bill to provide for effective measures for the prevention of cruelty to cows and for matters incidental thereto.

WHEREAS cow is the embodiment of divine virtues like love, compassion, benevolence, tolerance and non-violence;

AND WHEREAS our health and prosperity, high quality-low cost eco-friendly-employment, sustainable organic agriculture to a large extent depends upon cow and its progeny and on account of its virtues, it commands reverence and cultural sanctity from the people of the nation;

AND WHEREAS cow is subjected to inhuman cruelty and atrocities resulting in law and order problems and breach of peace, alarming depletion in its population, decline in its growth rate and sharp reduction in cow-human ratio and consequent malnutrition, disease, disabledness, poverty, unemployment and pollution of agricultural products and environment, it is expedient in the interest of the nation to take effective steps to prevent cruelty to and killing of cows and its progeny by an effective legislation to give effect to the provisions of the Directive Principles of State Policy contained in articles 47, 48 and 48A of the Constitution.

BE it enacted by Parliament in the fifty-seventh Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Prevention of Cruelty to Cows Act, 2006.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “beef” means flesh of cow or its progeny in any form;

(b) “beef products” include extraction from beef;

(c) “cow” includes its progeny including bulls and bullocks;

(d) “export” means taking to a place outside India;

(e) “injury” means—

(1) (i) torturing any cow so as to subject it to unnecessary pain or suffering or causing or permitting any cow to be so treated;

(ii) abandoning any cow in such circumstances which render it likely that it will suffer pain;

(iii) wilfully permitting any cow, by its owner to go at large in any street, while the cow is affected with any contagious or infectious disease or, without reasonable excuse permit any diseased cow to die;

and includes killing of cow;

(iv) practising *phooka* or *doom dev* or injecting any substance in the body of the cow for improving lactation,

(f) “killing” means killing by any method whatsoever and includes inflicting physical injury which in ordinary course causes death; and

(g) “prescribed” means prescribed by rules made under this Act.

Duties of
persons having
charge of cows.

3. It shall be the duty of every person having the care or charge of any cow to take all reasonable measures to ensure that the contravention of the provisions of this Act does not take place.

Killing or
causing injury
or cruelty to
cows
prohibited.

4. (1) Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall cause any injury or kill or attempt to kill for any purpose whatsoever any cow in any place to which this Act extends.

(2) Nothing in this section shall apply to,—

(a) the dehoming of cows; or

(b) the extermination and destruction of cow under the authority of any law for the time being in force and in the manner prescribed thereunder.

Restriction on
export of cows.

5. No person shall export a cow for the purpose of killing it either directly or through his agent or servant or by any other person acting on his behalf.

Prohibition on
sale of beef.

6. Notwithstanding anything contained in any other law for the time being in force, no person shall possess or offer for sale or sell or transport beef or beef products in any form.

Establishment
of institutions.

7. There shall be established by the State Government or by any local authority or non-governmental organisations, when so directed by the Government, institutions for the reception, maintenance and care of stray, unprotected, infirm, disabled, diseased, barren or abandoned cows.

Levy of
charges or fees.

8. The State Government or the local authority, if so authorised may levy such fees as may be prescribed for the care and maintenance of cows as mentioned in section 7.

9. (1) Whoever kills or attempts to kill or abets the killing of cow shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to seven years but which shall not be less than two years and with fine which may extend to ten thousand rupees on each cow.

(2) Whoever causes injury to, other than killing of, cow shall be guilty of an offence punishable with fine which may extend to five thousand rupees.

(3) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 5 or section 6 shall be guilty of an offence punishable with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees.

2 of 1974

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under section 9 shall be cognizable and non-bailable.

Offences to be cognizable and non-bailable.

11. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punishable with punishment provided in this Act for such offence.

Abetments and attempts.

12. Any police officer not below the rank of sub-Inspector or any person authorised in this behalf by the Government may, with a view to securing compliance with the provisions of this Act,—

Power to enter, seize, etc.

(a) enter, stop and search any vehicle used or intended to be used for the transportation of any cow for killing;

(b) seize any cow in respect of which he has sufficient reason to believe that any provision of this Act has been or is being or is about to be contravened, along with the vehicle in which such cow is found,

and thereafter take all measures necessary for its safe custody in an institution referred to in section 7 pending final disposal of the case.

13. No suit, prosecution or other legal proceeding shall lie against any officer of the Government or local authority or any other person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

14. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses, agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

59 of 1960

15. The provisions of this Act shall override the provisions of the Prevention of Cruelty to Animals Act, 1960 or any other law for the time being in force to the extent of inconsistency.

Act to override other laws.

9. (1) Whoever kills or attempts to kill or abets the killing of cow shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to seven years but which shall not be less than two years and with fine which may extend to ten thousand rupees on each cow.

(2) Whoever causes injury to, other than killing of, cow shall be guilty of an offence punishable with fine which may extend to five thousand rupees.

(3) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 5 or section 6 shall be guilty of an offence punishable with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees.

2 of 1974

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under section 9 shall be cognizable and non-bailable.

Offences to be cognizable and non-bailable.

11. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punishable with punishment provided in this Act for such offence.

Abetments and attempts.

12. Any police officer not below the rank of sub-Inspector or any person authorised in this behalf by the Government may, with a view to securing compliance with the provisions of this Act,—

Power to enter, seize, etc.

(a) enter, stop and search any vehicle used or intended to be used for the transportation of any cow for killing;

(b) seize any cow in respect of which he has sufficient reason to believe that any provision of this Act has been or is being or is about to be contravened, along with the vehicle in which such cow is found,

and thereafter take all measures necessary for its safe custody in an institution referred to in section 7 pending final disposal of the case.

13. No suit, prosecution or other legal proceeding shall lie against any officer of the Government or local authority or any other person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

14. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses, agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

59 of 1960

15. The provisions of this Act shall override the provisions of the Prevention of Cruelty to Animals Act, 1960 or any other law for the time being in force to the extent of inconsistency.

Act to override other laws.

STATEMENT OF OBJECTS AND REASONS

Cow is subjected to inhuman cruelty and atrocity resulting in decline in its growth rate and sharp reduction in cow-human ratio. It is in the interest of the nation to take effective steps to prevent cruelty to cows, prohibit and punish cruel treatment of cows, including killing of cows, which is the most extreme form of cruelty.

The proposed legislation was brought before Lok Sabha by the BJP led NDA Government during 13th Lok Sabha. The Bill, however, could not be introduced due to opposition from certain sections on the grounds, *inter-alia*, that the Bill is *ultra vires* of the Constitution and legislation on the subject is outside the legislative competence of the House. However, under article 48 of the Constitution, a duty has been cast upon the Government to prohibit slaughter of cows and calves. Acting under this Directive Principle, the Union Parliament has got the legislative competence to enact a law on the subject.

It is, therefore, proposed to enact a uniform central law, namely, the Prevention of Cruelty to Cows Act, 2006 under entry 17 of the Concurrent List in the Seventh Schedule to the Constitution, *inter-alia* to prevent cruelty to cow and its progeny and ban on export of cows and prohibition on sale of beef; etc.

The salient features of the Bill are as under:—

- (i) causing injury or killing of cow are being made cognizable and non-bailable offences;
- (ii) there would be restriction on export of cows as well as prohibition on sale of beef or beef products;
- (iii) a provision is being made for the establishment of institutions by State Governments, local authorities or non-Governmental Organisations, when so directed by the Government, for the reception, maintenance and care of stray, unprotected, infirm, disabled, diseased, barren or abandoned cows.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 30, 2005.

BACHI SINGH RAWAT

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 14 of the Bill empowers the Central Government to make, by notification in the Official Gazette, rules to carry out the purposes of the proposed legislation.

The rules may include the rate of fees which may be levied for caring or maintaining cows in institutions established by the State Government, a local authority or a non-Governmental organisation.

The matters in respect of which rules may be made are matters of detail and administrative nature and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 5 OF 2006

A Bill to provide for certain welfare measures for coir factory workers and for matters connected therewith.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Coir Factory Workers (Welfare) Act, 2006.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “coir factory” means a centre where defibring, yarning, making or any other activity relating to coir is carried out and includes an establishment engaged in selling or export of coir mats, mattings and other products;

(b) “Fund” means the Coir Factory Workers' Welfare Fund constituted under section 3 of this Act;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "worker" means any person who is engaged in any activity undertaken in a coir factory.

Setting up of
Coir Factory
Workers'
Welfare Fund.

3. (1) The Central Government shall set up a fund to be known as the Coir Factory Workers' Welfare Fund for the welfare of coir factory workers in the country.

(2) The Central Government and every State Government/Union territory Administration shall contribute to the Fund in such ratio as may be prescribed.

(3) The owners of coir factory and exporters of coir products shall also contribute to the Fund in such proportion as may be prescribed by the Central Government.

Administration
of Coir Factory
Workers'
Welfare Fund.

4. The Fund shall be administered by a Committee consisting of:—

(i) a Chairman who shall be appointed by the Central Government;

(ii) a member to represent the owners of the coir factories;

(iii) a member representing the workers;

(iv) one representative each from all States/Union territories who shall be nominated by the respective State Government/Union territory Administration; and

(v) one member to represent the exporters of coir products.

Utilisation of
Fund.

5. The Fund shall be used for the following purposes, namely,—

(i) to pay unemployment/subsistence allowance to workers during off-season period;

(ii) to provide free health facilities for the workers and their families;

(iii) to provide free educational facilities to the children of the coir factory workers;

(iv) to pay compensation to workers who are injured during the course of their work;

(v) to pay compensation to the next of the kin of workers who die in harness;

(vi) to pay disability allowance to the workers who are injured in accidents or contract ailments during the course of their duty and are not able to work;

(vii) to pay old age pension to those workers who have attained the age of sixty years; and

(viii) to pay family pension.

Power to
make rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Lakhs of workers are engaged in the work related to defibring, yarning, making of coir mats, matting and other coir products throughout the country but they are not covered under any labour laws. They are not paid even minimum wages which they deserve by virtue of their work. The condition of these workers is worse than the contract labourers. In the circumstances, provision of certain facilities to these workers during their service as well as in their old age is desirable.

Hence this Bill.

NEW DELHI;
December 7, 2005.

K.S. MANOJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Coir Factory Workers, Welfare Fund for the welfare of coir factory workers in the country. It further provides that Central Government shall also contribute to the fund. Clause 4 provides for the setting up of a Committee for administration of the Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum. A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 10 OF 2006

A Bill to provide special facilities for farmers to improve their life, enhance their dignity and benefit the country through higher agricultural production by way of improving farm practices, techniques and allied occupations and for matters connected therewith.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Farmers (Welfare) Act, 2006.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—
 - (a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;
 - (b) “farmer” means middle, small and marginal farmers as defined by the Planning Commission; and
 - (c) “prescribed” means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall—

Facilities to be provided to the farmers.

(1) study the requirements of the farmers in the country for the promotion of agriculture, including agricultural education, research, and training and establish well equipped modern agricultural universities at selected centres;

(2) implement a comprehensive crop insurance scheme for all major crops grown in every State by taking village as a basic unit and compensation shall be paid to the farmers in case of destruction of crop in an area which is thirty-five per cent or more of the total area under various crops in that village, due to natural calamity, disease or pest attack;

(3) ensure credit facility to farmers through commercial banks, cooperative banks or other cooperative credit institutions at an interest rate not exceeding four per cent per annum:

Provided that the small and marginal farmers shall not be charged any interest on the loan amount provided to them.

(4) establish agricultural farms in every block, which shall ensure timely and adequate supply of seeds and saplings to farmers;

(5) establish well-equipped and modern veterinary hospitals in every block to assist farmers in animal husbandry;

(6) promote the technique of group farming to encourage better farm management and farming techniques with a view to make agriculture economically viable;

(7) take measures to promote agro-based industries such as food processing industry, dairy industry to enhance farm income;

(8) promote vegetable cultivation, floriculture, pisciculture, poultry farming, piggery and sericulture in the suitable areas for supplementing farmers' income;

(9) promote organic farming, use of bio-mass for production of energy and water conservation techniques for the welfare of farmers;

(10) provide institutional mechanism for efficient marketing and export of farm produce; and

(11) implement welfare schemes, including pension scheme for farmers who have attained the age of sixty-five years.

4. The Central Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

India is predominantly an agrarian country and more than sixty per cent of its people are directly or indirectly dependent on agriculture for their livelihood.

Agriculture is the biggest economic sector, which contributes greatly to the Gross National Product, provides employment and livelihood to the maximum number of people. It sustains the country with food security and provides largest share of raw material to our industrial sector. Its export earning is also considerable.

But it is unfortunate that this vital sector of our economy is badly neglected. So are the people who are engaged in agriculture.

If the country wants to achieve more than ten per cent growth in the Gross Domestic Product, it is imperative that the agrarian sector of the economy should grow at a faster and steady rate.

It requires more investment in agriculture. It is also necessary that we must have a peasantry who are satisfied. They must be treated with dignity and care with a view to realise their full potential.

The middle, small and marginal farmers who constitute more than ninety per cent of the entire peasantry in India are to be helped, assisted and trained with a sense of purpose, so that the country could achieve its long term economic goals.

This Bill seeks to create conditions for achieving these difficult, but attainable, ends. The Bill, if enacted, will go a long way in fulfilling the Directive Principles enshrined in our Constitution.

Hence this Bill.

NEW DELHI;
December 3, 2005.

C.K. CHANDRAPPA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of modern agricultural universities, implementation of a crop insurance scheme, agricultural farms at block level and modern, well-equipped veterinary hospitals, etc. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees two thousand crore from the Consolidated Fund of India. A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 2 OF 2006

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Fifty-seventh year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 2006.

Short title.

2 of 1974.

2. In the First Schedule to the Code of Criminal Procedure, 1973,—

Amendment of
First Schedule.

(i) against section 354, in column '5', for the word "Ditto", the words "non-bailable" shall be substituted;

(ii) against sections 376C and 376D, in column '5' for the word "Ditto", the words "non-bailable" shall be substituted;

(iii) against sections 494 to 498,—

(a) in column '4' for the words "non-cognizable", the word "cognizable" shall be substituted.

(b) in column 5, for the word "Bailable", the words "non-bailable" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

For certain offences relating to marriage and rape, bail is given easily to the accused. This encourages cruel people to ignore law and commit heinous crimes. These offences should be made cognizable and non-bailable. Therefore, it is proposed to amend the Code of Criminal Procedure accordingly.

NEW DELHI;
December 13, 2005

ANANDRAO VITHOBA ADSUL

BILL NO. 3 OF 2006

A Bill further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Cinematograph (Amendment) Act, 2006.
- (2) It shall come into force at once.

Short title and
commencement.

37 of 1952.

2. In section 2 of the Cinematograph Act, 1952 (hereinafter referred to be as the principal Act), for clause (dd), the following clause shall be substituted, namely:—

Amendment of
section 2.

"(dd) 'film' means a cinematograph film but does not include a programme telecast on television."

3. After section 3 of the Principal Act, the following sections shall be inserted namely:—

Insertion of
new section
3A, etc.

"3A. (1) For the purpose of sanctioning programmes telecast on television for public exhibition, the Central Government shall establish a Board of Television Programmes Certification.

Establishment
of Board of
Television
Programmes
Certification.

(2) The Board shall consist of a Chairman and six other members who shall be appointed by the Central Government.

Regional office
of Board of
Television
Programmes
Certification.

3B. (1) The Board of Television Programmes Certification shall have regional offices in every State.

(2) The Regional Office of the Board set up under section 3A shall consist of a Director and other members.

Provision of
the Act to
apply *mutatis*
mutandis to
television
programmes.

3C. All provisions relating to films in this Act shall apply *mutatis mutandis* to programmes telecast on television."

STATEMENT OF OBJECTS AND REASONS

There has been a steep increase in the number of programmes telecast on television channels. The number of channels has also increased considerably over the years. However, virtually, there is no scrutiny by any Government agency having regard to the nature, content and theme of the programmes. Even a cursory scrutiny is not done. As such, many programmes blatantly violate ethical norms. At present there is a Board of Film Certification which sanctions films for public exhibition which are mostly screened in cinema halls. But the programmes telecast on television are not subject to censor or regulation. Programmes exhibiting violence and crime are likely to misguide the youth and children. Children are vulnerable to such programmes and take to violence and crime in many cases.

It is accordingly proposed that a separate Board should be set up to scrutinise programmes telecast on television channels.

Hence this Bill.

NEW DELHI;
December 13, 2005

ANANDRAO VITHOBA ADSUL

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to set up a separate Board for television programmes. There is also a provision for setting up of regional offices. The proposal to establish a Board and regional offices is likely to involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees ten crore will be involved. A non-recurring expenditure of about rupees one hundred crore may also be involved.

P.D.T. ACHARY,
Secretary-General.